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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/721,558	11/25/2003	Timucin Ozugur	139164	5827

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EXAMINER

JOSEPH, TONYA S

ART UNIT	PAPER NUMBER
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3628

MAIL DATE	DELIVERY MODE
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07/27/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/721,558	Applicant(s) OZUGUR ET AL.	
	Examiner Tonya Joseph	Art Unit 3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 1 and 7 have been amended. No Claims have been cancelled or added. Thus, claims 1-7 are again presented for Examination.

Response to Arguments

1. Applicant's arguments with respect to claims 1 and 7 have been considered but are moot in view of the new ground(s) of rejection.
2. Applicant argues with respect to claim 1 that the addition of the recitation, "for requesting real time customer support that is selectable by the user based on said presence information" renders the claim patentable over the prior art. Examiner notes: a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. Furthermore, the recitation, "***that is selectable by the user***" makes it optional for a user to make a selection based on the presence information. As currently presented, a user ***does not*** have to make a selection ***based on the*** presence information.
3. Applicant argues with respect to claims 2-6, that the applied references fail to remedy the deficiencies of their dependant claims. Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.
4. Applicant argues with respect to claim 7 that the addition of "real-time" telephone support renders the claim patentable over the prior art. Examiner notes: real-time

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support is not a delimiter as to at what time of day a person speaks to a representative, but is the immediate or instantaneous communication between two or more engaged parties with minimal message relay delay. If a customer support representative calls a customer 2 hours later and they talk live on the telephone, it is still in real-time.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 1-7 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.
6. Claim 1 recites the limitation, "an online customer support server" in line 3; "an enterprise server" in line 5" and "a web server" in line 8. A server, having the capability of being a computer program or a physical object, could result in the claiming of a software and would therefore constitute non-statutory material. Computer programs claimed as computer listings per se, i.e., the descriptions or expressions of the programs, are not physical "things." They are neither computer components nor statutory processes, as they are not "acts" being performed. Such claimed computer programs do not define any structural and functional interrelationships between the computer program and other claimed elements of a computer which permit the computer program's functionality to be realized.
7. Claims 2-6 contain the same deficiencies as claim 1 through dependency and as such, are rejected for the same reasons.

Claim Rejections - 35 USC § 112

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

10. Claim 1 recites the limitation, "for requesting real time customer support that is selectable by the user based on said presence information"; As currently presented, the recitation promotes doubt as to whether a user making a selection based on the presence information is a requirement of the claimed invention. For Examination purposes, Examiner is interpreting the recited step to be optional.

11. Claims 2-6 contain the same deficiencies as claim 1 through dependency and as such, are rejected for the same reasons.

Claim Rejections - 35 USC § 102

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

13. Claims 1 and 3-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Kaanan U.S. Pre-Grant Publication No. 2001/0054064 A1.

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14. As per Claim 1, Kanaan teaches an online customer support server that connects a group of customer support representatives to a user of a web site to provide real time customer support (see para. 21); an enterprise server that collects presence information from the customer support server regarding current availability of customer support representatives in said group (see para. 72 lines 1-7, 165 and 197 lines 5-9 and Fig. 16, Examiner is interpreting a customer service agent as a server), wherein said presence information is updated at regular, specified intervals; a web server that provides content to said web site, wherein the content includes said presence information provided by the enterprise server (see para. 72 lines 1-4 and 197 lines 5-9); and wherein said web server displays said presence information on said website and provides a user selectable option on said web site (see para.88).

15. As per Claim 3, Kanaan teaches the system of claim 1 as described above. Kanaan further teaches wherein the presence information further includes approximate waiting time for customer support representatives that are not currently available (see para. 197 lines 5-6).

16. As per Claim 4, Kanaan teaches the system of claim 1 as described above. Kanaan further teaches wherein customer support representatives are designated according to skill set (see para. 28 lines 8-13. Examiner is interpreting qualifications as skill set).

17. As per Claim 5, Kanaan teaches the system of claim 4 as described above. Kanaan further teaches wherein the web server provides a user selectable

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option for selecting customer support representatives by skill set (see para. 88 and para. 89 lines 6-15).

18. As per Claim 6, Kanaan teaches the system of claim 5 as described above. Kanaan further teaches wherein the system uses cookies for skills based routing, wherein the cookies are used for mining customer information that is required to route calls in a specific way (para. 81 lines 6-8 and para. 83).

Claim Rejections - 35 USC § 103

19. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

20. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kanaan in view of Gourraud U.S. Pre-Grant Publication No. 2004/0122896 A1.

21. As per Claim 2, Kanaan teaches the system of claim 1 as described above. Kanaan does not explicitly teach wherein the customer support server updates the presence information on the enterprise server via Session Initiation Protocol Publish messages. Gourraud teaches, First, the presence server 202 receives via the IP Multimedia Subsystem Core Network (IMS, IP multimedia network (IPMM) based on the SIP protocol, such as the one specified by 3GPP) network 211 a SIP PUBLISH message 210 with a presence XML document 212 that comprises one or more tuples with presence information about a given UE (not shown) (see para. 10 lines 9-15) It would have been prima facie obvious to one of ordinary skill in the art at the time of

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invention to modify the system of Kanaan to include wherein the customer support server updates the presence information on the enterprise server via Session Initiation Protocol Publish messages in order to allow network operators to provide presence services to their subscribers, as taught in Gourraud para. 7 lines 10-11).

22. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kanaan in view of Hawkes et al. U.S. Pre-Grant Publication No. 20020055974 A1.

23. As per Claim 7, Kanaan teaches the system of claim 1 as described above. Kanaan teaches, wherein, said customer support server facilitates real time online support via a data connection between the user and a customer support representative if the customer support representative can connect to the user via the data connection (see para. 25 lines 3-7); Kanaan does not explicitly teach and facilitates real time telephone support via a telephone connection between the user and the customer support representative if the customer support representative cannot connect to the user via the data connection and wherein the web server provides the user's telephone number to the customer support representative if the customer support representative cannot connect to the user via the data connection. Hawkes teaches, when the customer is browsing the Web and requests help, if the customer selects the deferred callback option from the Help web page, a further web page is served by the SMS 67 for the customer to enter his or her telephone number, the callback delay, and other items of information. This form is then submitted back to the SMS (see para. 249, Examiner is interpreting a customer selecting a deferred callback option as a customer support representative not being able to connect to a user online, due to the user selection). It

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would have been prima facie obvious to one of ordinary skill in the art at the time of invention to modify the system of Kanaan to include wherein, if a customer support representative cannot connect to a user online, the web server provides the user's telephone number to the customer support representative to facilitate telephone support in order to establish a session at a later time as taught in Hawkes para. 247 line 1.

Conclusion

24. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

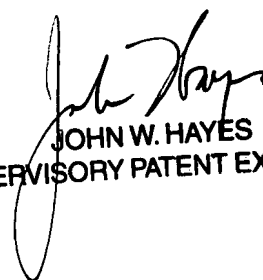
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tonya Joseph whose telephone number is 571-270-1361. The examiner can normally be reached on Mon-Fri 7:30am-5:00pm First Fridays off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Hayes can be reached on 571 272 0847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Tonya Joseph
Examiner
Art Unit 3628



JOHN W. HAYES
SUPERVISORY PATENT EXAMINER